

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION**

In re:	§
	§
CYRUS II, L.P., BAHAR DEVELOPMENT, INC., and MONDONA RAFIZADEH	§ Jointly Admin. Under Case No. 05-39857-H1-7
	§
	§ (Chapter 7)
Debtors.	§
	§
RODNEY D. TOW, AS THE CHAPTER 7 TRUSTEE, <i>ET AL.</i>	§
	§ Adversary Proceeding No. 07-3301
	§
Plaintiffs.	§
	§
v.	§
	§
SCHUMANN RAFIZADEH, <i>ET AL.</i> ,	§
	§
Defendants.	§
	§

**STIPULATION BY MONDONA RAFIZADEH TO A  
“NOTICE ONLY” PRELIMINARY INJUNCTION HEARING**

Mondona Rafizadeh, Defendant (“Mondona”) makes this Stipulation Regarding Plaintiffs’ Motion for Preliminary Injunction, stipulating as follows:

1. Except for the issue of whether notice to Wellspring is sufficient and proper to justify an injunction, Mondona will not challenge the merits of whether the Court should issue the preliminary injunction against Wellspring Sourcing, Ltd. (“Wellspring”) at the preliminary injunction hearing set for October 29, 2007 (“hearing”), and so long as no finding or ruling at the hearing, including the acceptance of evidence or testimony, binds her.

2. Therefore, by filing this Stipulation, Mondona does not concede that this Court has jurisdiction over Wellspring or that Wellspring has proper notice of the hearing, or that an injunction is proper. Mondona makes this Stipulation with the understanding (as repeatedly stated by the Court) that no findings made by this Court based on the hearing will bind Mondona

or preclude or affect her right to present any evidence during any subsequent trial, hearing or other proceeding. Further, this Stipulation does not preclude Mondona from objecting to any evidence or testimony presented during the preliminary injunction hearing in any subsequent hearing, trial or other proceeding.

WHEREFORE, Mondona respectfully requests that this Court take notice of this Stipulation.

Respectfully submitted this 24<sup>th</sup> of October, 2007.

WEYCER, KAPLAN, PULASKI & ZUBER, P.C.

By: /s/ *Hugh M. Ray, III*  
EDWARD L. ROTHBERG  
State Bar No. 17313990  
HUGH M. RAY, III  
State Bar No. 24004246  
Eleven Greenway Plaza, Suite 1400  
Houston, TX 77046  
Telephone: (713) 961-9045  
Facsimile: (713) 961-5341

ATTORNEYS FOR MONDONA RAFIZADEH

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served by electronic mail and/or hand delivery, on the 24th day of October, 2007, on the following parties:

Gary Cruciani  
Leonard A. Hirsch  
Karen E. Sprole  
Diamond McCarthy Taylor Finley & Lee LLP  
1201 Elm Street, Suite 3400  
Dallas, TX 75270

Kyung S. Lee  
Jason M. Rudd  
Clifford H. Walston  
Two Houston Center  
909 Fannin, Suite 1500  
Houston, TX 77010  
**Counsel for Chapter 7 Trustee**

Nan Roberts Eitel  
Jones Walker Waechter Poitevent Carrère &  
Denègre, LLP  
The Watergate  
2600 Virginia Avenue, NW, Suite 1113  
Washington, DC 20037  
**Counsel for Orix Capital Markets, LLC,**

Ben B. Floyd  
Randall A. Rios  
Lynn Chuang Kramer  
Munsch Hardt Kopf & Harr, PC  
Bank of America Center  
700 Louisiana, 46<sup>th</sup> Floor  
Houston, TX 77002  
**Counsel for Orix Capital Markets, LLC**

Stephen H. Kupperman  
Barrasso Usdin Kupperman Freeman & Sarver,  
L.L.C.  
909 Poydras Street, Suite 1800  
New Orleans, LA 70112  
**Counsel for Rodrick L. Hughes and Main & Marietta, LP**

Andrew R. Harvin  
Peter B. Wells  
Doyle, Restrepo, Harvin & Robbins, LLP  
JPMorgan Chase Tower  
600 Travis Street, Suite 4700  
Houston, TX 77002  
**Counsel for Rodrick L. Hughes and Main & Marietta, LP**

Edward L. Rothberg  
Hugh M. Ray, III  
Weycer Kaplan Pulaski and Zuber PC  
11 Greenway Plaza, Suite 1400  
Houston, TX 77046-1104  
**Counsel for Mondona Rafizadeh**

Jon P. Bohn  
Bohn & Ducloux  
806 Main Street, Suite 1411  
Houston, TX 77002  
**Counsel for Super Future Equities, Inc.**

Jeffrey Wayne Glass  
8980 Lakes at 610 Drive, Suite 250  
Houston, TX 77054  
**Counsel for Azita Management**

/s/ Hugh M. Ray, III  
Hugh M. Ray, III